



Positioning for Success

Exercise 1: Case Flow Reality Check

Purpose

This exercise is designed to help you objectively assess what is currently driving your mediation case flow. Many mediators assume strong skill alone generates consistent work. In reality, sustainable volume is driven by positioning, clarity, and referral relationships. This reflection will help you determine whether your growth is structured or accidental and identify specific strategic opportunities for expansion.

Part I – Current Referral Drivers

List the three strongest sources of your current mediation referrals. Be precise and identify the actual referral channel. Avoid general phrases such as “word of mouth.”

Examples: • Defense counsel in mid-sized commercial litigation firms • Estate litigators handling fiduciary disputes • Court appointment panel in Harris County • Former litigation colleagues outsourcing cases

Part II – Consistency & Predictability

For each referral source above, assess whether it is highly predictable, somewhat consistent, or occasional. Then identify what drives that pattern: relationship depth, reputation, court rotation, or individual gatekeepers.

Part III – Underdeveloped Opportunity

Identify one referral channel that could generate meaningful volume if intentionally developed. Consider where you have credibility but limited visibility.

Examples: • Plaintiff employment litigators • Business partnership disputes • In-house counsel managing recurring risk • Specific geographic court panel

Part IV – Strategic Reflection

1. Does your case flow feel structured or accidental?

2. If your strongest referral source disappeared tomorrow, what happens to your calendar?

3. What is the single biggest strategic gap in your mediation practice today?
